IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9009 OF 2004

Harishchandra Tukaram Tali.... ..... Petitioner.

Versus

Divisional Controller,
S.T.Nashik Division, Nashik
and Others. ... ... Respondents.

Mr. A.H.Fatangre for the Petitioner.

None for Respondents.

CORAM : S. C.DHARMADHIKARI, J.

DATED : 20TH DECEMBER, 2004.

P.C.:

Despite sincere and best efforts, Mr. Fatangare, learned Counsel appearing for the Petitioner, could not convince me that the order of the Industrial Court impugned in this petition is vitiated by any error apparent on the face of record or is perverse. The Industrial Court has interfered in revisional jurisdiction and in my opinion rightly because the Labour Court despite holding that the inquiry is fair and proper and findings therein are not perverse interfered with the quantum of punishment. This interference was not warranted when it is held

expressly that the order dismissing the Petitioner from services dated 13th November, 1997 was not for patently false reason. It cannot be said that the Petitioner who was found to be drunk on duty having visited with penalty of dismissal an employer like MSRTC has acted with any malice or its action is otherwise vitiated so as to term the punishment as disproportionate or shocking the judicial conscience of the court. Ultimately, the MSRTC has in the light of its service rules and regulations found the Petitioner guilty of serious misconduct. Its power and authority to enquire and punish could not have been curtailed in the facts and circumstances of this case. The industrial court has rightly stepped in and set aside the order of the labour court.

2. There is no substance in this writ petition and is accordingly dismissed.

Sd/-

(S. C. DHARMADHIKARI,J.)